



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, September 6, 2022

6:00 PM

City Council Chambers

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630 E. Hopkins St.

This will be an in-person and online meeting. To view the meeting please go to <http://sanmarcostx.gov/421/City-Council-Videos-Archives> or watch on Grande channel 16 or Spectrum channel 10.

- I. Call To Order
- II. Roll Call
- III. Invocation - Rev. Sheila Sidberry-Thomas from Wesley Chapel AMEC
- IV. Pledges of Allegiance - United States and Texas
- V. 30 Minute Citizen Comment Period

*Persons wishing to participate (speak) during the Citizen Comment portion of the meeting must email [citizencomment@sanmarcostx.gov](mailto:citizencomment@sanmarcostx.gov) the day prior to the meeting and before 12:00PM the day of the meeting. A call in number to join by phone or link will be provided for participation on a mobile device, laptop or desktop computer. Those wishing to speak in person must sign up in the City Clerk's office between 8:00AM - 5:45PM the day of the meeting.*

### PRESENTATIONS

1. Receive a presentation from Deloitte and Touche, LLP on the Community Development Block Grant-Disaster Recovery (CDBG-DR) Quarterly Internal Audit Report and provide direction to Staff.
2. Receive a Staff presentation of the Quarter End June 30, 2022 Investment Report, and provide direction to City Manager.
3. Receive a Staff presentation of the Quarter End June 30, 2022 Financial Report, and provide direction to City Manager.

### CONSENT AGENDA

*THE FOLLOWING ORDINANCES, RESOLUTIONS AND OTHER ITEMS MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COUNCIL MEMBER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.*

4. Consider approval of Ordinance 2022-45, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-24, by rezoning approximately 136.912 acres generally located at 900 Francis Harris Lane, from "FD" Future Development District to "CD-2.5" Character District - 2.5, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2022-58, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-10, by rezoning approximately 202.2 acres, generally located 800 feet east of the Centerpoint Road and Centerpoint Court intersection and on the north side of Centerpoint Road, from "SC" Smart Code District to "LI" Light Industrial District, or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2022-59, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-12, by rezoning approximately 173.05 acres generally located at the northwest corner of the Centerpoint Road and South Old Bastrop Highway Intersection from "SC" Smart Code District to "CD-3" Character District-3, or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date.
7. Consider approval of Ordinance 2022-60, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-13, by rezoning approximately 48.87 acres generally located on the north side of Centerpoint Road between Old Bastrop Highway and Centerpoint Court from "SC" Smart Code District to "CD-5" Character District-5 and "CD-3" Character District-3; including procedural provisions; and providing an effective date.
8. Consider approval of Ordinance 2022-69, on the second of two readings, amending Chapter 74, Article 6 of the San Marcos City Code related to Sidewalk Cafes, Parklets, and Similar Special Uses of Public Rights-of-Way, by, among other things, adding a definition and criteria for sidewalk seating areas, and deleting provisions for the 2020 Temporary Parklets Program related to the COVID-19 pandemic; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
9. Consider approval of Ordinance 2022-70, on the second of two readings, amending the project plan and reinvestment zone financing plan for Tax Increment Reinvestment Zone No. 5, also known as the "Downtown TIRZ" to allocate funding in support of an annual downtown operations plan and approved project plans submitted via an application process; authorizing the City Manager, or her designee, to execute such amendments on behalf of the City; including procedural provisions; and declaring an effective date.
10. Consider approval of Resolution 2022-189R, adopting a revised Investment Policy for Operating and Reserve Funds; and declaring an effective date.
11. Consider approval of Resolution 2022-190R, approving an award of a contract to Electric Cab North America for Microtransit Solution services in an amount not to exceed \$500,000.00; authorizing the City Manager or her designee to execute the contract on

behalf of the City; and declaring an effective date.

12. Consider approval of Resolution 2022-191R, approving a contract with Walker Engineering, Inc. through the Texas Interlocal Purchasing System Cooperative (TIPS) for the replacement of fluorescent light fixtures with LED fixtures at the San Marcos Police Department in the estimated amount of \$108,090.39; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring effective date.
13. Consider approval of Resolution 2022-192R, approving a contract with Reeder Distributors, Inc., through the Texas BuyBoard Purchasing Cooperative for the purchase of Steril-Koni Lifts for the Fleet Services Division in the amount of \$73,160.00, plus a 10% contingency not to exceed \$7,316.00 for potential manufacturer's price escalation; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
14. Consider approval of Resolution 2022-193R, approving a Change in Service to the agreement with Iteris, Inc., for a sole source procurement to renew Tactics Software Services in the estimated annual amount of \$14,000.00 making the total contract amount of \$58,500.00; and authorizing three optional one-year renewals; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
15. Consider approval of Resolution 2022-194R, approving a Change in Service to the agreement with CDW-G LLC, through the Texas Department of Information Resources Cooperative Purchasing Program, to renew hardware maintenance and software licenses for the support of the City's network infrastructure in the estimated annual amount of \$22,071.00 for a total contract amount of \$71,790.62; and authorizing the option of annual renewals for a maximum of three additional years upon mutual agreement of the parties; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service on behalf of the City; and declaring an effective date.
16. Consider approval of Resolution 2022-195R, approving Change in Service No. 3 to agreement with SmartForce Technologies Inc., for a necessary public safety procurement for the renewal of a Criminal Justice Information Sharing Platform for the Police Department in the estimated annual amount of \$22,500.00 for a total contract price of \$72,500.00; authorizing two optional one-year renewals; authorizing the City Manager or her designee to execute the Change in Service agreement on behalf of the City; and declaring an effective date.
17. Consider approval of Resolution 2022-196R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-16 of approximately 20.66 acres of land, generally located on Centerpoint Road south of the intersection of Centerpoint Court and Centerpoint Road, authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.
18. Consider approval of Resolution 2022-197R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No.

AN-22-17 of approximately 38.586 acres of land, generally located at the southwest corner of the West Centerpoint Road and Central Park Loop intersection; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

19. Consider approval of Resolution 2022-198R, approving an assignment of Electric Utility Easement to Lower Colorado River Authority (LCRA) Transmission Services Corporation, subject to the City's reservation of rights to operate and maintain city electric distribution facilities in the easement; authorizing the City Manager, or her designee, to execute the assignment of easement on behalf of the City; and declaring an effective date.
20. Consider approval of Resolution 2022-199R, authorizing a Change in Service to the agreement with Cobb Fendley & Associates, Inc. related to the Reconstruction of Downtown Alleys project for additional design phase tasks for Kissing Alley improvements from Hopkins Street to Hutchison Street in the amount of \$229,969.75; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service on behalf of the City; and declaring an effective date.

## PUBLIC HEARINGS

*Persons wishing to participate remotely in the Public Hearing session must email [citizencomment@sanmarcostx.gov](mailto:citizencomment@sanmarcostx.gov) beginning the day prior to the meeting and before 12:00PM the day of the meeting. A call in number to join by phone or link will be provided for participation on a mobile device, laptop or desktop computer. If attending in person, no sign up is required.*

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-73, adopting a budget in the amount of \$297,440,593.00 for the fiscal year beginning October 1, 2022 and ending September 30, 2023; authorizing certain adjustments to the budget with the approval of the City Manager; adopting a fee schedule; approving fiscal year 2022-2023 Capital Improvements Program Projects; including procedural provisions; and declaring an effective date; consider approval of Ordinance 2022-73, on the first of two readings.
22. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-74, increasing Stormwater Utility Rates as authorized by Section 86.505 of the San Marcos City Code; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-74, on the first of two readings.
23. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-75, amending the rates for both Residential and Multifamily Customers of Municipal Solid Waste Programs (currently known as Resource Recovery) in accordance with Section 66.028 of the San Marcos Code of Ordinances; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-75, on the first of two readings.
24. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-76, setting the Tax Rate for the 2022 Tax Year at 59.30 cents on each \$100 of taxable value of real property that is not exempt from taxation; levying taxes for the

use and support of the Municipal Government of the City for the fiscal year beginning October 1, 2022, and ending September 30, 2023; providing a sinking fund for the retirement of the bonded debt of the city; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-76, on the first of two readings.

## **NON-CONSENT AGENDA**

25. Receive a Staff presentation on FY2023 Capital Improvements Program as contained within the proposed FY23 budget.
26. Consider approval of Ordinance 2022-77, on first and final reading, amending Ordinance 2022-71, ordering a General Election and Special Election to be held on November 8, 2022 for the purpose of electing a Mayor, a City Council Member for Place 1, a City Council Member for Place 2 and to submit a Citizen-Initiated Ordinance to Eliminate Low-Level Marijuana Enforcement to the voters; adding polling locations, dates, and times for voting on Election Day and for Early Voting by personal appearance; making provisions for conducting the election; providing for the approval of this ordinance as an emergency measure on only one reading; and providing an effective date.
27. Consider approval of Resolution 2022-200R, approving a Chapter 380 Economic Development Incentive Agreement with Majestic Realty Co. providing incentives in the form of refunds of 50 percent of additional real property taxes for up to three years per building for the construction of industrial lease space on Centerpoint Road, to the extent such space remains unleased; authorizing the City Manager, or her designee, to execute said agreement; and declaring an effective date.
28. Consider approval of Resolution 2022-201R, approving award of a contract to MA Smith Contracting Company, Inc. for the Blanco Riverine Flood Mitigation Project in the estimated amount of \$14,681,085.70; authorizing the City Manager or designee to execute the contract on behalf of the City; and declaring an effective date.
29. Consider approval of Resolution 2022-202R, approving a contract with 111 MLK Development, LLC for the city to purchase approximately 1.03 acres of land at 111 East Martin Luther King Drive at it's intersection with LBJ Drive at a price of \$4,500,000.00, plus related closing costs, for the location of a future downtown fire station; authorizing the City Manager, or her designee, to execute said contract and all closing documents related to such purchase on behalf of the city and declaring an effective date.
30. Consider approval of Resolution 2022-203R, approving a Meet and Confer agreement between the San Marcos Police Officers' Association and the City of San Marcos and declaring an effective date.
31. Consider approval of Resolution 2022-204R, authorizing a Change in Service to the professional services agreement with the Jacobs Engineering Group, Inc. related to the San Marcos Wastewater Treatment Plant for engineering design and refurbishing of an odor control project in an amount not-to-exceed of \$849,173.00, for a total contract price of \$2,068,556.55; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service on behalf of the City; and declaring an

effective date.

32. Discuss and consider an appointment to fill vacancy on the Arts Commission, and provide direction to Staff.
33. Hold discussion to require that notifications for zoning changes be sent to landowners and renters and provide direction to the City Manager.

#### VI. Question and Answer Session with Press and Public.

*This is an opportunity for the Press and Public to ask questions related to items on this agenda. Persons wishing to participate remotely in the Q&A session must email [citizencomment@sanmarcostx.gov](mailto:citizencomment@sanmarcostx.gov) beginning the day prior to the meeting and before 12:00PM the day of the meeting. A call in number to join by phone or link will be provided for participation on a mobile device, laptop or desktop computer. If attending in person, no sign up is required.*

#### VII. Adjournment.

**POSTED ON THURSDAY, SEPTEMBER 1, 2022 @ 3:00PM**

**ELIZABETH TREVINO, CITY CLERK**

#### Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)